

DEC 13 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>ISAIAH THOMAS FOLLET,</p> <p>Defendant - Appellant.</p>
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No. 09-30432

D.C. No. 1:09-cr-00024-RFC

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Richard F. Cebull, Chief Judge, Presiding

Submitted December 6, 2010**

Before: GOODWIN, RYMER, and GRABER, Circuit Judges.

Isaiah Thomas Follett appeals from the 60-month sentence and lifetime term of supervised release imposed following his guilty-plea conviction for failure to register as a sex offender, in violation of 18 U.S.C. §2250(a). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Follett contends that the district court erred by imposing a sentence above the Guidelines range after simultaneously applying an upward departure based on the inadequacy of his criminal history category, and imposing an upward variance pursuant to the 18 U.S.C. § 3553(a) sentencing factors. The record reflects that the district court did not procedurally err and that the sentence is substantively reasonable. *See Gall v. United States*, 552 U.S. 38, 50-51 (2007); *see also United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc); *United States v. Mohamed*, 459 F.3d 979, 988-89 (9th Cir. 2006).

Follett also contends that the district court's imposition of a lifetime term of supervised release was unreasonable. We conclude that the district court was within its discretion to find that a lifetime term of supervised release was necessary to comply with the statutory goals of sentencing. *See United States v. Daniels*, 541 F.3d 915, 921-24 (9th Cir. 2008).

AFFIRMED.